

FILED
TIME:

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HILYARD,

Petitioner,

v.

Case No. 2:05-cv-127

JAMES ERWIN, Warden,

**JUDGE MARBLEY
MAGISTRATE JUDGE KING**

Respondent.

OPINION AND ORDER

On September 8, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. This case is hereby **DISMISSED**.

The Clerk is **DIRECTED** to enter final judgment dismissing this action.

IT IS SO ORDERED.



ALGENON L. MARBLEY
United States District Judge